

S/N 09/477,977

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John H. Burton et al.

Examiner: R. Kearney

Serial No.: 09/477,977

Group Art Unit: 3739

Filed: January 5, 2000

Docket: 825.001US2

Title: IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY
RESTRICTING A BODY LUMEN

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RESPONSE UNDER 37 CFR § 1.111

Commissioner for Patents
Washington, D.C. 20231

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Applicant has reviewed the Office Action mailed on August 2, 2001 and provides the following response.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a two-month extension of the period for responding to the Office action, thereby moving the deadline for response from Nov. 2, 2001 to Jan. 2, 2002. The Examiner is authorized to charge Applicant's deposit account 19-0743 if additional fees are required.

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on August 2, 2001, and the references cited therewith. No claims were amended or cancelled or added. As a result, the claims pending are 1 - 40. Detailed responses to the rejections follow:

§102 Rejection of the Claims

Rejections based on Hickey et al.

Claims 1, 3, 5, 6 and 8 were rejected under 35 USC § 102(b) as being anticipated by Hickey et al. Applicant respectfully traverses the rejections in detail as follows:

CLAIMS 1, 3, 5, and 6

Applicant respectfully traverses the rejection under Hickey et. al. Hickey et al. relates to a catheter. It is respectfully submitted that Hickey et al. is not adapted for implantation into body tissue as recited in claim 1. As such, Applicant is unable to find, among other things, the implantable device with expandable element and rear port portion, which is adapted for implantation within body tissue with the expandable element adjacent a body lumen, as recited in